THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.20046 OF 2005

DATED:12.9.2005

Between:

D. Krishna Reddy

S/o.Venkat Reddy,

R/o.Gottimukkala Village,

Devarakonda Mandal, Nalgonda District

…Petitioner

And

The Government of Andhra Pradesh

Rep. by its Principal Secretary,

Panchayat Raj and Rural Development

Secretariat Buildings, Hyderabad and others

…Respondents

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ORDER:

The petitioner is a contractor. The Panchayat Raj Department entrusted the work of construction of anicut across Gottumukkala Vagu and execution of feeder channel to fill Oorakunta at Boddupalli Village of Devarakonda Mandal. The petitioner completed the work and submitted bills. According to the petitioner, the Executive Engineer, Panchayat Raj, measured the work and entered in the measurement books. In spite of the same, though the petitioner submitted bills, full amount was not paid. Therefore, the petitioner filed the instant Writ Petition seeking a declaration that the action of the respondents in not releasing a sum of Rs.2.88 lakhs is illegal and arbitrary and for a consequential direction to sanction and pay the amount.

After hearing the learned counsel for the petitioner and the learned Assistant

Government Pleader, this Court is of considered opinion that the Writ Petition is not maintainable. Even according to the petitioner, the cash component of the work entrusted to the petitioner is 11.25 lakhs and the balance amount is payable under rice component. In paragraph 5 of the affidavit the petitioner admits that the balance amount of Rs.2.88 lakhs is payable under rice component of 36 metric tones. In a similar matter, a Division Bench of this Court in W.P.No.22922 of 2002 dt.17.3.2003 has held as under.

> The very fact that for doing the work, rice has been distributed to the labourers on muster role basis at the rate of 10 kgs. per man day per labour under the third option as per the guidelines issued by the government, we are of the view that such like writ petitions in which the petitioner has no enforceable right. We are not inclined to entertain the writ petition under Art.226 of the Constitution of India.

Following the same, the Writ Petition is dismissed as not maintainable. No costs.

12.9.2005 (V.V.S.RAO, J)

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